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10 *Attorneys for Plaintiff Angela Underwood,*
11 *PERSONAL REPRESENTATIVE FOR THE ESTATE OF TYLER UNDERWOOD*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 ANGELA UNDERWOOD, Personal Representative
15 for the Estate of Tyler Underwood,

16 Plaintiff,

17 vs.

18 O'REILLY AUTO ENTERPRISES, LLC d/b/a
19 O'Reilly Auto Parts, Inc.; ILLINOIS TOOL
20 WORKS INC., Individually and as Successor in
21 Interest to Pennzoil Quaker State Company d/b/a
22 Gumout, THE BLASTER CORPORATION, CRC
23 INDUSTRIES, INC., SAFETY-KLEEN SYSTEMS,
24 INC., HIGHLAND STORES, INC. d/b/a Bi-Rite
25 Markets, BI-RITE MARKETS, INC., 7-ELEVEN,
26 INC., RICHARD A. HALEY, AUTOZONE
27 STORES, LLC, f/k/a Autozone Stores, Inc.,
28 AMREP, INC., ADVANCE STORES COMPANY,
INCORPORATED, Individually and as Successor in
Interest to and d/b/a CarQuest Auto Parts,
ASHLAND, LLC, Individually and as Successor In
Interest to and d/b/a Valvoline, CALUMET
BRANDED PRODUCTS, LLC f/k/a Calumet
Packaging, LLC, SUNNYSIDE CORPORATION,
W.M. BARR & COMPANY, INC., TECHNICAL
CHEMICAL COMPANY, RM MARKETS, INC.,
OMNI INDUSTRIES, L.L.C. f/k/a Omni Industries,
Inc., OMNI SPECIALTY PACKAGING, L.L.C.,
f/k/a/ Omni Specialty Packaging, Inc., AMALIE OIL

CASE NO. 2:21-cv-01766-GMN-NJK

**JOINT STIPULATION FOR
EXTENSION OF TIME TO FILE
OPPOSITIONS TO MOTIONS
FOR SUMMARY JUDGMENT
AND MOTION IN LIMINE AND
REPLIES THERETO**

(FIRST REQUEST)

1 COMPANY, CITGO PETROLEUM
2 CORPORATION, and TOWER ENERGY,
3 Defendants.
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8 The parties, through their respective undersigned counsel, and pursuant to LR IA 6-1,
9 hereby file this stipulation requesting an extension of time to file oppositions and replies to the
10 motions for summary judgment (ECF Nos. 343, 345, 346, 347, 348, 349, 356, 360, 361, 363,
11 368, 369, 370 and 371, and joinder motions¹ at ECF Nos. 377, 379, 380, 381 and 382) and
12 opposition and reply² to the motion in limine (ECF No. 344). This is the parties' first stipulation
13 and request for an extension of time to file oppositions and replies to the motions for summary
14 judgment and the motion in limine. The Motions for Summary Judgment Docket Nos. 343, 345,
15 346, 347, 348, 349, 356, 360, 361, 363, 368, 369, 370 and 371 were filed on November 6, 2023
16 and oppositions to these motions are due on November 27, 2023. On November 7, 2023 a joinder
17 to Motion for Summary Judgment Docket No. 346 was filed at Docket No. 377. On November
18 10, 2023 a joinder to Motion for Summary Judgment Docket No. 356 was filed at Docket No
19 379. On November 10, 2023 a joinder to Motion for Summary Judgment Docket No. 370 was
20 filed at Docket No. 380. On November 10, 2023 a joinder to Motion for Summary Judgment
21 Docket No. 347 was filed at Docket No. 381. On November 10, 2023 a joinder to Motion for
22 Summary Judgment Docket No. 368 was filed at Docket No. 382. A Motion in Limine or to
23 Exclude Dr. Laumbach (ECF No. 344) was filed on November 6, 2023 and the opposition is due
24 on November 20, 2023. On November 10, 2023 a joinder to Motion in Limine Docket No. 344
25 (incorrectly designated ECF 343) was filed at Docket No. 383. A hearing on these motions has
26 not been scheduled.

27 ¹ Plaintiff does not waive any objection she has to any joinder to a motion for summary judgment or a motion in
limine.

28 ² To the extent LR 16-3 applies to Fed. R. Evid 702/*Daubert* motions, leave of court to file a Reply is not being
requested at this time and this date is withdrawn.

AGREED TO AND SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD:

<p>Dated this 14th day of November, 2023</p> <p>LOCKS LAW FIRM</p> <p><u>/s/ Andrew J. DuPont</u> Andrew J. DuPont, Esq. LOCKS LAW FIRM The Curtis Center, Suite 720 East 601 Walnut Street Philadelphia, PA 19106</p> <p>Cliff W. Marcek, Esq. Bertoldo Carter Smith & Cullen Nevada Bar No. 5061 7408 W. Sahara Ave Las Vegas, NV 89117</p> <p><i>Attorneys for Plaintiff Angela Underwood, Personal Representative for the Estate of Tyler Underwood</i></p>	<p>Dated this 14th day of November, 2023</p> <p>GORDON REES SCULLY MANSUKHANI, LLP</p> <p><u>/s/ Brian K. Walters</u> Brian K. Walters, Esq. Nevada Bar No. 9711 1 East Liberty Street, Suite 424 Reno, NV 89501</p> <p><i>Attorney for Sunnyside Corporation</i></p>
<p>Dated this 14th day of November, 2023</p> <p>MESSNER REEVES LLP</p> <p><u>/s/ Jonathan Owens</u> Jonathan Owens, Esq. Nevada Bar No. 7118 8945 W. Russell Road, Suite 300 Las Vegas, NV 89148</p> <p><i>Attorneys for Defendant, AutoZone Stores, Inc.</i></p>	<p>Dated this 14th day of November, 2023</p> <p>EVANS FEARS & SCHUTTERT LLP</p> <p><u>/s/ Jay J. Schutttert</u> Alexandria L. Layton, Esq. Nevada Bar No. 14228 Jay J. Schutttert, Esq. Nevada Bar No. 8656 6720 Via Austin Parkway, Suite 300 Las Vegas, NV 89119</p> <p><i>Attorneys for Defendant Calumet Branded Products</i></p>
<p>Dated this 14th day of November, 2023</p> <p>GORDON REES SCULLY MANSUKHANI, LLP</p> <p><u>/s/ James E. Cavanaugh</u> Robert E. Schumacher, Esq. Nevada Bar No. 9504 James E. Cavanaugh, Esq. Nevada Bar No. 6929 300 So. 4th Street, Suite 1550 Las Vegas, Nevada 89101</p> <p><i>Attorney for The Blaster Corporation</i></p>	<p>Dated this 14th day of November, 2023</p> <p>GORDON REES SCULLY MANSUKHANI, LLP</p> <p><u>/s/ Theodore C. Yarbrough</u> Chad A. Harrison, Esq. Nevada Bar No. 13888 300 So. 4th Street, Suite 1550 Las Vegas, Nevada 89101</p> <p>Theodore C. Yarbrough, Esq. GORDON REES SCULLY MANSUKHANI, LLP 2200 Ross Avenue, Suite 3700 Dallas, TX 75201 <i>Attorney for Defendant Advance Stores Company, Inc.</i></p>

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Dated this 14 th day of November, 2023	Dated this 14 th day of November, 2023
MARIO VALENCIA ATTORNEY AT LAW, LLC	KAEMPFER CROWELL
<u>/s/ Mario Valencia</u> Mario D. Valencia, Esq. Nevada Bar No. 6154 40 S. Stephanie Street, Suite 201 Henderson, NV 89012	<u>/s/ Alexandra G. Farone</u> Ryan M. Lower, Esq. Nevada Bar No. 9108 1980 Festival Plaza Dr., Suite 650 Las Vegas, NV 89135
Justin D. Niznik, Esq. BOWMAN AND BROOKE LLP 1064 Greenwood Blvd., Suite 212 Lake Mary, FL 32746	Kathy K. Condo, Esq. Alexandra G. Farone, Esq. Joshua S. Snyder, Esq. BABST, CALLAND CLEMENTS AND ZOMNIR, P.C. Two Gateway Center 603 Stanwix St., 6 th Floor Pittsburgh, PA 15222
<i>Attorneys for W. M. Barr & Company, Inc.</i>	<i>Attorneys for Defendant Amrep, Inc.</i>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	<p>Dated this 14th day of November, 2023</p> <p>OLSON CANNON GORMLEY & STOBERSKI</p> <p><u>/s/ Michael E. Stoberski</u> Michael E. Stoberski, Esq. Nevada Bar No. 4762 9950 W. Cheyenne Avenue Las Vegas, NV 89129</p> <p><i>Attorneys for Defendant, CRC Industries, Inc., Illinois Tool Works, Inc., Ashland LLC, and CITGO Petroleum Corporation</i></p> <p>Larry J. Chilton, Esq. CHILTON YAMBERT PORTER LLP 303 W. Madison, Ste. 2300 Chicago, IL 60606 <i>Attorney for Defendants, CRC Industries, Inc., Ashland LLC, and CITGO Petroleum Corporation</i></p> <p>Gary J. Saalman, Esq. VORYS, SATER, SEYMOUR and PEASE LLP 52 E. Gay Street Columbus, OH 43215 <i>Attorney for Defendant, Illinois Tool Works, Inc.</i></p>	<p>Dated this 14th day of November, 2023</p> <p>RESNICK & LOUIS, P.C.</p> <p><u>/s/ Kenneth Ching</u> Kenneth Ching, Esq. Nevada Bar No. 10542 Adam McMillen, Esq. Nevada Bar No. 10678 8925 West Russell Road, Suite 220 Las Vegas, NV 89148</p> <p><i>Attorneys for Defendant Highland Stores, Inc.</i></p>
17 18 19 20 21 22	<p>Dated this 14th day of November, 2023</p> <p>RESNICK & LOUIS, P.C.</p> <p><u>/s/ Eleanor D. Murphy</u> Eleanor D. Murphy, Esq. Nevada Bar No. 15071 8925 West Russell Road, Suite 220 Las Vegas, NV 89148</p> <p><i>Attorneys for Defendant, RM Markets, Inc.</i></p>	<p>Dated this 14th day of November, 2023</p> <p>HALL & EVANS, LLC</p> <p><u>/s/ Kurt Bonds</u> Kurt R. Bonds, Esq. Nevada Bar No. 6228 Charles Deskins, Esq. Nevada Bar No. 15532 411 E. Bonneville Ave., Suite 400 Las Vegas, NV 89149</p> <p><i>Attorneys for Defendants O'Reilly Auto Enterprises, LLC and Tower Energy</i></p>
23 24 25 26 27 28	<p>Dated this 14th day of November, 2023</p> <p>LEWIS BRISBOIS BISGAARD & SMITH, LLP</p> <p><u>/s/ Steven Abbott</u> Darrell D. Dennis, Esq. Nevada Bar No. 6618 Steven Foremaster, Esq. Nevada Bar No. 10650 Steven Abbott, Esq.</p>	<p>Dated this 14th day of November, 2023</p> <p>RESNICK & LOUIS, P.C.</p> <p><u>/s/ Melissa J. Roose</u> Melissa J. Roose, Esq. Nevada Bar No. 7889 8925 W. Russell Road, Suite 220 Las Vegas, Nevada 89148 mroose@rlattorneys.com</p>

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3	Alexander Anolik, Esq.	
4	Omar Nasar, Esq.	
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	<i>Systems, Inc.</i>	
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PROPOSED ORDER

The deadlines to file oppositions and replies, where applicable, to the following motions are extended as follows:

MOTION, JOINDER	CURRENT OPPOSITION DEADLINE	PROPOSED NEW OPPOSITION DEADLINE	CURRENT REPLY DEADLINE	PROPOSED REPLY DEADLINE
ECF Nos. 343, 383	November 27, 2023	December 27, 2023	December 11, 2023	January 26, 2024
ECF No. 344	November 20, 2023	December 20, 2023		January 19, 2024 ³
ECF No. 345	November 27, 2023	December 27, 2023	December 11, 2023	January 26, 2024
ECF Nos. 346, 377	November 27, 2023	December 27, 2023	December 11, 2023	January 26, 2024
ECF Nos. 347, 381	November 27, 2023	December 27, 2023	December 11, 2023	January 26, 2024
ECF No. 348	November 27, 2023	December 27, 2023	December 11, 2023	January 26, 2024
ECF No. 349	November 27, 2023	December 27, 2023	December 11, 2023	January 26, 2024

³ To the extent LR 16-3 applies to Fed. R. Evid 702/*Daubert* motions, leave of court to file a Reply is not being requested at this time and this date is withdrawn.

1	ECF Nos.	November 27,	December 27, 2023	December 11,	January 26, 2024
2	356, 379	2023		2023	
3	ECF No.	November 27,	December 27, 2023	December 11,	January 26, 2024
4	360	2023		2023	
5	ECF No.	November 27,	December 27, 2023	December 11,	January 26, 2024
6	361	2023		2023	
7	ECF No.	November 27,	December 27, 2023	December 11,	January 26, 2024
8	363	2023		2023	
9	ECF Nos.	November 27,	December 27, 2023	December 11,	January 26, 2024
10	368, 382	2023		2023	
11	ECF No.	November 27,	December 27, 2023	December 11,	January 26, 2024
12	369	2023		2023	
13	ECF Nos.	November 27,	December 27, 2023	December 11,	January 26, 2024
14	370, 380	2023		2023	
15	ECF No.	November 27,	December 27, 2023	December 11,	January 26, 2024
16	371	2023		2023	
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IT IS SO ORDERED


UNITED STATES DISTRICT COURT JUDGE

DATED: November 16, 2023

CASE NO.: 2:21-cv-01766-GMN-NJK

1 *Respectfully submitted by:*

2 LOCKS LAW FIRM

3 /s/ Andrew J. DuPont

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17 *Personal Representative for the Estate of Tyler Underwood*

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